

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:15-00206

THOMAS KERR CLEMENTS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On August 28, 2018, the United States of America appeared by Christopher R. Arthur, Assistant United States Attorney, and the defendant, Thomas Kerr Clements, appeared in person and by his counsel, Brady Campbell, for a hearing on the petition seeking revocation of supervised release submitted by United States Probation Officer Justin L. Gibson. The defendant commenced a three-year term of supervised release in this action on August 19, 2016, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on March 25, 2016.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed cocaine as evidenced by positive urine specimens submitted by him on June 26, September 27, October 12, November 1, 14, 27 and 30, 2017, each of which was followed by the defendant's admission to the probation officer that he had used cocaine; his admissions on January 9 and February 20, 2018, at which time he signed a voluntary admission form acknowledging his use of cocaine; and a positive urine specimen submitted by him on April 18, 2018; and (2) the defendant distributed cocaine as evidenced by his admission to the probation officer on April 26, 2018, that he had handled cocaine two days prior to the April 18, 2018, urine screen in that he sold approximately 10 grams of crack cocaine for \$800 and 2 grams of crack cocaine for \$100 on or about April 23, 2018; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

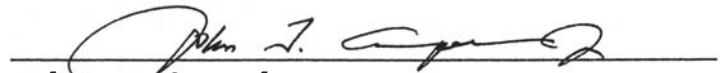
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of thirty (30) months of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts (National Form AO 245B), the standard conditions as set forth in Local Rule 32.3 and the special condition that he participate in and successfully complete the 9 to 12 month residential drug treatment program at Recovery Point where he shall follow the

rules and regulations of the facility. The defendant shall report to Recovery Point immediately, without interruption, upon his release from imprisonment.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 29, 2018


John T. Copenhaver, Jr.
United States District Judge